

REMARKS/ARGUMENTS

The Examiner is thanked for courtesy of a brief telephone call on May 27, 2005, in which the Applicant and the Examiner discussed the appropriateness of a Supplemental Amendment and Response in this case. Applicant respectfully requests that the Examiner in his discretion, approve and consider this Supplemental Amendment and Response.

This Amendment is in response to the Office Action mailed January 26, 2005. In the Office Action, claims 1-54 stood rejected under the judicially created doctrine of obviousness-type double patenting and claims 1-14, 19-32, and 37-50 stood rejected under 35 U.S.C. § 102.

In the previous response, Applicant filed a terminal disclaimer in order to overcome the rejection related to the judicially created doctrine of obviousness-type double patenting in view of Applicant's issued patent U.S. Patent No. 6,740,803. Accordingly, Applicant believes that this rejection is now moot and respectfully requests withdrawal of this ground for rejection. However, except for the Applicant's response to the double patenting rejection of the previous Response and Amendment, Applicant respectfully requests that the Examiner disregard Applicant's previous Amendment and Response and instead consider Applicant's Supplemental Amendment and Response, herein, the Remarks of which follow hereafter.

Particularly, Applicant notes with appreciation that in the previous Office Action the Examiner did not reject Applicant's dependent claims 15, 33, and 51 related to *an amplifier-based control panel graphical interface for musical instrument that is displayed by the computing device in which the amplifier-based control panel graphical interface has settings that define sound characteristics for the musical instrument.*

Applicant has amended independent claims 1, 19, and 37 to include substantially the same limitations of dependent claims 15, 33, and 51, respectively, such that newly amended independent claim 1, 19, and 37 are substantially similar to canceled dependent claims 15, 33, and 51.

Because Hasegawa and the other cited prior art references do not teach or suggest the limitations of Applicant's amended independent claims 1, 19, and 37, Applicant respectfully

submits that these independent claims are clearly allowable and should be passed to issuance, as well as the dependent claims that depend therefrom.

Conclusion

In view of the remarks made above, it is respectfully submitted that pending claims 1, 3-14, 16-19, 21-32, 34-37, 39-50, and 52-54 define the subject invention over the prior art of record. Thus, Applicant respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 6/1/2005

By


Eric T. King

Reg. No. 44,188

Tel.: (714) 557-3800 (Pacific Coast)

Attachments

12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025

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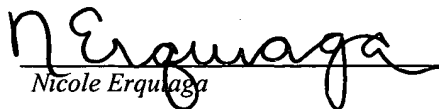
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Nicole Erquaga

6/1/2005

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